

**REMARKS**

In the Office Action, the Examiner indicated that claims 1-7, 9-11, 13-16, 18-25, 27-29, and 31-33 are pending in the application. Applicant believes that claims 1-33 are pending, and that the Examiner meant to state that the listed claims were the claims rejected. The Examiner rejected claims 1-7, 9-11, 13-16, 18-25, 27-29, and 31-33, and objected to claims 8, 12, 17, 26, and 30.

**The Claim Objections**

At item 5 on page 10 of the Office Action, the Examiner indicated that claims 8, 12, 17, 26 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for this indication of allowability. Applicant has amended claim 11 to include the limitations of objected to claim 12. Thus, it is submitted that claims 11 through 15 are in allowable condition. Further, the remaining claims are in allowable condition for the reasons set forth below.

**Claim Rejections**

In item 3 on pages 2 to 4 of the Office Action, the Examiner rejected claims 11, 13, 15, 16, 18, 20, 21, 29, 31 and 33 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2001/0033554 to Ayyagari et al. in view of U.S. Patent No. 6,173,040 to Wang ("Wang"). In item 4 on pages 5 to 9 of the Office Action, the Examiner rejected claims 1-7, 9,

10, 14, 19, 22-25, 27, 28 and 32 under 35 U.S.C. §103(a) as being unpatentable over Ayyagari et al. in view of Wang, and further in view of U.S. Patent No. 5,815,682 to Williams et al.

**The Present Invention**

The present invention provides a method and system for providing an accurate service record from one communication device to another communication device. More particularly, the present invention is a method and system by which a determination is made as to whether or not a second communication device has a modem present and whether or not a proper phone line connection exists in the second device (e.g., so that the modem can be utilized). The second communication device generates a service record identifying modem-based services that it can offer based on whether or not a modem having access to a telephone line is present, i.e., the service will be identified in the service record only if the proper connection to the telephone line is available.

The communication devices which can use this technology include laptops, desktops, handhelds, PDAs, mobile phones, two-way pagers, etc. (specification, page 1, lines 11-13). Thus, for example, a first communication device comprising a PDA can retrieve the service record from a second communication device, e.g., a desktop computer. Since the desktop computer (in this example) produces its service record based upon first determining whether or not a modem is present and whether or not a proper phone line connection exists to utilize that modem, the service record provided to the PDA will inform a user of the PDA if modem-based services are available,

and likewise, will exclude modem-based services from the service record if no modem and proper phone line connection exists.

**U.S. Patent Publication No. 2001/0033554 to Ayyagari et al.**

U.S. Patent Publication No. 2001/0033554 to Ayyagari et al. teaches a proxy-bridge device comprising a bridge for sending packets to and from (between) an external device and a device in a piconet. The protocol stack of the proxy-bridge device allows an application to communicate with a remote device, e.g., via the Internet protocol. Thus, the proxy-bridge device, using two protocols, enables remote users to discover the presence of a service offered by a device in a piconet as a logical embedded device within the proxy-bridge device and vice-versa.

**U.S. Patent No. 6,173,040 to Wang**

U.S. Patent No. 6,173,040 to Wang ("Wang") teaches a telephone line state detecting device. The invention of Wang provides a telephone line state detecting device that includes a hardware detecting circuit provided in a telephone line connected to a modem. The hardware detecting circuit is connected to a processing unit. In use, the hardware detecting circuit detects pulses generated by voltages flowing through the telephone line, which are processed by the processing unit to determine whether the line is interrupted or electro-contact thereof is poor, or whether the telecommunication equipment used in conjunction therewith is busy or not in use.

U.S. Patent No. 5,815,682 to Williams et al.

U.S. Patent No. 5,815,682 to Williams et al. ("Williams") teaches a device-independent modem interface employing a call control and data transfer application programming interface which allows application programs to access a modem in a device-independent fashion. The Examiner relies upon Williams et al. for an asserted disclosure of a step/means of determining whether particular modems for particular applications are present in the communication system.

The Examiner has not Established a *prima facie* Case of Obviousness

As set forth in the MPEP:

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to modify the reference or to combine reference teachings.

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The Examiner has not met the burden required for an analysis under 35 U.S.C. §103. As noted above, the present claimed invention is utilized in an environment in which there are at least two disparate communication devices (e.g., a PDA and a desktop computer; two laptops; etc.), where a first of the devices wishes to utilize services, e.g., modem services, provided by the second device. To avoid the time-wasting process of having the first device communicate with the second device, identify that the second device has a modem installed, and then find that the installed modem does not have a proper telephone line connection, the present invention has the second device make a determination that a proper phone line connection exists before it represents to other communication devices that it has modem services available. If a proper phone line

connection, that is, one that is connected to a functioning telephone line, does not exist, then the modem in the second device will not even be shown to a user of the first device as being available; from the perspective of the first device, it will look as though no modem exists in the second device.

Ayyagari et al. contains no such teachings or suggestion. Nowhere in Ayyagari is there any teaching or suggestion of the selective “advertising” of modem services by a second communication device to a first communication device only after determining that such modem services, via a properly functioning telephone line, are available. Ayyagari merely describes a typical multiple-device communication system, such as a Bluetooth system, which applicant acknowledges are well known.

The addition of Wang provides no such teaching or suggestion. Wang teaches a standard computer processing system, whereby a hardware detection circuit 10 is used to detect the presence of a functioning telephone line for use by modem 100. Applicant acknowledges the existence of telephone line detection circuits, and does not claim a telephone line detection circuit as its invention. Rather, applicant claims, in a communication system involving at least two discrete communication devices, a system whereby a device having modem services potentially available does not “advertise” their availability unless the modem contained in this device is connectable to a functioning telephone line. Neither Ayyagari nor Wang teach or suggest this feature. The fact that Wang may or may not teach whether a proper phone line connection with a modem exists is immaterial. Essentially all devices that work with a modem at some point must determine whether or not a modem is connected to a phone line. However, neither of these cited

patents teach or suggest that prior to issuing a service record identifying modem-based services, determining whether a proper phone line connection exists, so that if no such connection exists, the modem-based service is excluded from the service record.

Likewise, the addition of Williams does not teach or suggest the claimed invention. Williams is concerned with determining the existence of modem devices coupled to a computer system. More specifically, an enumerator 92 is used at start up to detect newly installed devices. See, for example, column 8, line 22 through column 10, line 24. Nowhere in Williams is there a discussion of having a second device make a determination that a proper phone line connection exists before it represents to other communication devices that it has modem services available.

Each of the claims contain these limitations in various formats. For example, claim 1 has been amended to include the limitations of claim 7, so that now claim 1 requires that the service record identifying the modem-based services be generated if the first determining step determines that a modem is present in the second device and if the second determining step determines that a proper phone line connection exists in the second medication device. Claims 16, 22, and 29 have each been amended to specifically recite that the service record is generated identifying the services only if it is determined that the proper line connection exists. Thus, each of the currently rejected independent claims recite the above-described patentable features.

At best, the combination of references suggested by the Examiner would result in a system whereby a user of a first device would receive a service record of the second device indicating that the second device contained one or more services, e.g., modem services, whether or not those services could actually be used. The present invention, on the other hand, will only

show as available services that can actually be utilized by the first device. This is a significant advantage to the prior art and is not taught or suggested by any of the cited references, either alone or in combination. Accordingly, all of the claims patentably define over the proposed combination of Ayyagari and Wang and/or Williams. The Examiner is respectfully requested to reconsider and withdraw the rejection of the claims based on these references.

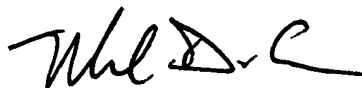
**Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited. The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted

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Date



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